

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R. SUDHAKAR
AND
THE HONOURABLE MR. JUSTICE P.N.PRAKASH

HCP.No.1321/2014

S.Latha

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Petitioner

Versus

1.The Secretary to Government
Government of Tamilnadu
Home [Prison IV] Department
Fort St George, Chennai 600 009.

2.The Additional Director General of Prisons
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai 600 008.

3.The Superintendent of Central Prisons
Vellore.

..

Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus directing the respondents herein to produce the body of the petitioner's husband Sekar, Life Convict No.1741, now confined in Central Prison, Vellore, before this Court and set him at liberty as having become eligible for premature release by virtue of G.O.Ms.No.873, Home [Prison IV] Department dated 14.09.2006, G.O.Ms.No.1326, Home [Prison IV] Department dated 12.09.2007 and G.O.1155, Home [Prison IV] Department dated 11.09.2008 and G.O.Ms.No.792 dated 14.09.2009.

For Petitioner : Mr.A.P.Sathyamurthy

For Respondents: Mr.A.N.Thambidurai
Additional Public Prosecutor

ORDER

[Order of the Court was made by R.SUDHAKAR, J.,]

The above petition has been filed by the petitioner/wife of the detenu/life convict Sekar, life convict No.1741, who is

confined in the Central Prison, Vellore, seeking for the benefit of premature release based on the Government Orders in G.O.Ms.No.873, Home [Prison IV] Department dated 14.09.2006, G.O.Ms.No.1326, Home [Prison IV] Department dated 12.09.2007 and G.O.1155, Home [Prison IV] Department dated 11.09.2008 and G.O.Ms.No.792 dated 14.09.2009.

2 Heard the submissions of the learned counsel appearing for the petitioner and Mr.A.N.Thambidurai, learned Additional Public Prosecutor appearing for the respondents.

3 As evidenced from G.O.Ms.No.1155, Home [Prison IV] Department dated 11.09.2008, the said benefit of premature release is provided/extended to the life convicts who have completed 7 years of actual imprisonment as on 15.09.2008 and who are aged 60 years and above and have completed 5 years of actual imprisonment as on 15.09.2008. But the said benefit is not extended to the prisoners who were awarded death penalty and whose sentence was later commuted to life imprisonment. In the case on hand, the detenu/life convict [husband of the petitioner herein] was convicted for the offence u/s.302 IPC in SC.No.31/1998 dated 31.08.2000 on the file of the Court of Sessions Judge, Udthagamandalam and was awarded death sentence and the said conviction and sentence was challenged before this Court. This Court, vide judgment dated 16.02.2001, while confirming the conviction u/s.302 IPC has commuted the death sentence to one of life imprisonment. It is the further case of the petitioner that her husband/detenu is in prison for more than 14 years with good records.

4 From the above facts and circumstances, this Court is of the considered view that the benefit of G.O.Ms.No.1155, Home [Prison IV] Department, dated 11.09.2008 cannot be extended to the detenu/life convict as Clause 1[i][b] of the said Government Order stands as a bar to extend the said benefit.

5 Hence, this Court is not inclined to consider the request of the petitioner seeking direction to the authorities concerned to consider the case of her husband/detenu [life convict] for premature release. Hence, the Habeas Corpus Petition is dismissed.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

AP

To

1.The Secretary to Government
Government of Tamilnadu
Home [Prison IV] Department
Fort St George, Chennai 600 009.

2.The Additional Director General of Prisons
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
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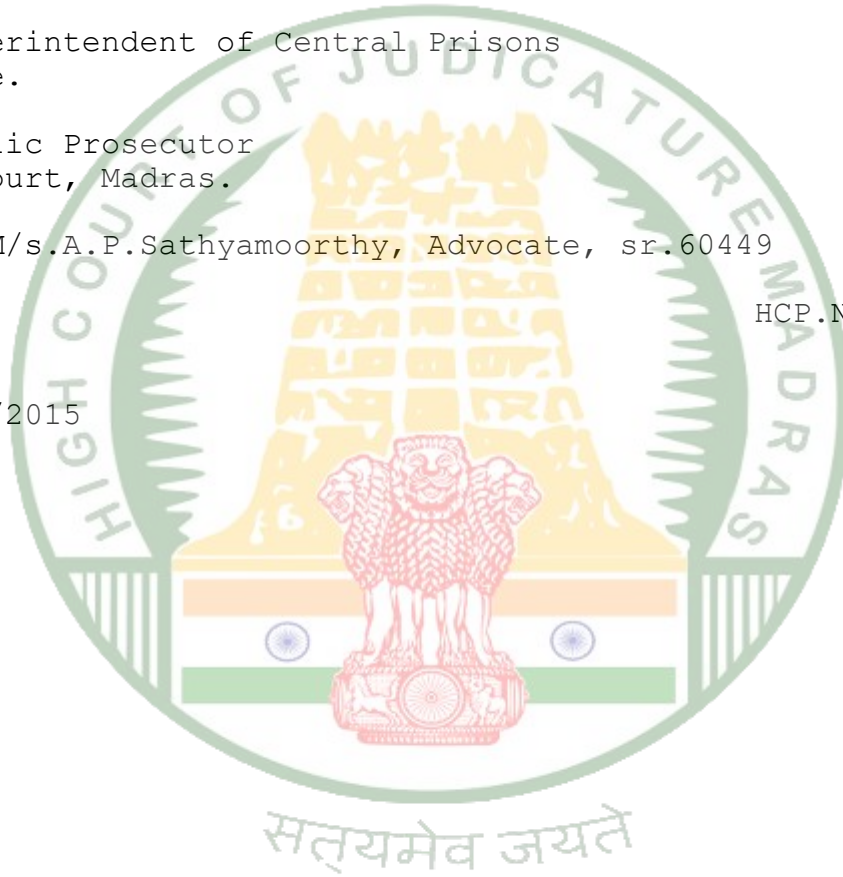
3.The Superintendent of Central Prisons
Vellore.

4.The Public Prosecutor
High Court, Madras.

+1 cc to M/s.A.P.Sathyamoorthy, Advocate, sr.60449

HCP.No.1321/2014

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